

A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD JULY 17, 2000 AT 1:00 P.M. IN WARRENTON, VIRGINIA

P R E S E N T Mr. Larry L. Weeks, Chairman; Mr. Joe Winkelmann, Vice Chairman; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham; Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla, County Attorney

AGENDA REVIEW

Members of the Board of Supervisors and staff reviewed the agenda.

E-GOVERNMENT

A work session was held to discuss a proposal to support enhancement of online services by the County as a means to expand the availability of information and services to the businesses and citizens of the County.

REVIEW OF THE REASSESSMENT PROCESS – TOM MORELLI, VIRGINIA DEPARTMENT OF TAXATION

Tom Morelli of the Virginia Department of Taxation presented an overview of the reassessment process.

ALTERNATIVE USES FOR THE CARTER RUN PROPERTY

A work session was held to discuss alternative uses for the County owned Carter Run property.

NUTRIENT REDUCTIONS IN THE SHENANDOAH AND POTOMAC RIVER BASINS – JOHN MARSHALL SOIL AND WATER CONSERVATION DISTRICT

The Department of Conservation and Recreation and the Department of Environmental Quality presented a plan for developing an interim nutrient cap strategy for the Shenandoah and Potomac River Basins.

TEN YEAR DEBT PROJECTIONS

A work session was held to review the ten-year debt projections.

JOINT WORK SESSION WITH THE SCHOOL BOARD

A joint work session was held with the Fauquier County School Board to discuss additional funding for Marshall Middle School.

CLOSED MEETING

Mr. Winkelmann moved to go into a closed meeting pursuant to Virginia Code Section 2.1-344(A)(7) for consultation with legal counsel pertaining to potential litigation. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

Upon reconvening from the closed meeting, Mr. Winkelmann moved to adopt the following certification. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 17th day of July 2000, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

VOTE:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Absent During Meeting: None

After dinner with members of the Fauquier County School Board, the meeting was reconvened in Regular Session at 6:30 p.m. in the Warren Green Meeting Room.

INTRODUCTION OF DR. NED SWARTZ

Ms. McCamy introduced Dr. Ned Swartz, Dean of Lord Fairfax Community College (Fauquier Campus).

ADOPTION OF THE AGENDA

Mr. Winkelmann moved to adopt the agenda subject to the following changes. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

- Accept a substitute resolution for A Resolution to Participate in an Employee Wellness Program in Cooperation with the Fauquier County Public Schools.
- Include on the Consent Agenda A Resolution to Authorize the County Administrator to Advertise a Public Hearing on an Ordinance Amendment to Section 12-13 of the Code of Fauquier County to Revise the Business, Professional and Occupation Licensing Tax Rates; A Resolution to Authorize the County Administrator to Execute, on Behalf of the County of Fauquier, a Cooperative Parking Agreement with the Town of Warrenton; A Resolution Requesting the Virginia Department of Transportation Include Certain Road Projects in the "Pave in Place" Program; and A Resolution Authorizing the Settlement of that Certain Litigation Styled Casner v. Fauquier County Board of Supervisors.

CITIZENS TIME

- John Meadows, Lee District, read a letter from the Bealeton, Opal and Remington Service District Citizens Planning Committee regarding transportation issues in Lee District. Mr. Meadows also read a letter from Gerald Billingsly, Mayor of the Town of Remington, regarding the proposed transportation upgrades in Bealeton.

CONSENT AGENDA

Mr. Winkelmann moved to adopt the following Consent Agenda items. Ms. McCamy

seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

Approval of the Minutes of the May 15, 2000 and June 19, 2000 Regular Meetings

FY 2000 and FY 2001 Budget Transfers and Supplemental Appropriations in the Amount of \$642,486

RESOLUTION

A RESOLUTION TO TRANSFER AND APPROPRIATE

FY 2000 AND FY 2001 FUNDS IN THE AMOUNT OF \$642,486

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the operation of an annual budget for Fauquier County; and

WHEREAS, this annual budget is a plan of how funds received by the County will be used to meet the needs of the citizens of the County; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing a department's total budget; and

WHEREAS, funds needed to increase a department's budget must come from internal adjustments or from an outside source such as State, Federal, grant or other local sources such as the County's Reserve for Contingency; and

WHEREAS, the Sheriff's Office requested appropriation of \$14,559 in Federal funding from a Share of Drug Enforcement Administration (DEA) Forfeiture Proceeds and \$176 for Overtime Reimbursement; and

WHEREAS, the Airport Enterprise Fund requested appropriation of \$296,802 in Federal funding for land acquisition; and

WHEREAS, the Airport Committee requested reimbursement of Lease Hold Taxes in the amount of \$13,284 from the Fund Balance; and

WHEREAS, for FY 2001 the Registrar requested appropriation of \$11,665 for Motor

Voter temporary staffing from an unanticipated State revenue increase; and

WHEREAS, for FY 2001 the School Division requested \$300,000 from Fund Balance to fund a number of priority items; and

WHEREAS, for FY 2001 the Office of Emergency Services requested \$6,000 from Fund Balance for a temporary Emergency Medical Technician during the summer; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of July 2000, That the sum of \$642,486 be carried over, transferred, or appropriated and hereby approved as follows:

	FROM			TO	
Source	Code	Amount	Department	Code	Amount
Federal Funds	3-100-331000-0040	\$992	Sheriff's Office	4-100-031230-8201	\$992
Federal Funds	3-100-331000-0040	\$9,597	Sheriff's Office	4-100-031230-8201	\$9,597
Federal Funds	3-100-331000-0040	\$3,970	Sheriff's Office	4-100-031230-8201	\$3,970
Federal Funds	3-100-331000-0040	\$176	Sheriff's Office	4-100-031230-1201	\$176
Federal Funds	3-504-338000-0020	\$296,802	Airport	4-504-081732-8220	\$296,802
Fund Balance	3-100-419000-0010	\$13,284	Airport	4-504-081722-9999	\$13,284
<u>FY 2001</u>					
State Funds	3-100-244005-0015	\$11,665	Registrar	4-100-13200-1301	\$10,836
				4-100-13200-2100	\$829
<u>FY 2001</u>					

Fund Balance	3-100-419000-0010	\$300,000	School Division	TBD	\$300,000
FY 2001					
Fund Balance	3-100-419000-0010	\$6,000	Emergency Svs.	4-270-032420-1302	\$6,000
TOTAL		\$642,486			\$642,486

A Resolution to Participate in an Employee Wellness Program in Cooperation with the Fauquier County Public Schools

RESOLUTION

A RESOLUTION TO PARTICIPATE IN AN EMPLOYEE
WELLNESS PROGRAM IN COOPERATION WITH THE
FAUQUIER COUNTY PUBLIC SCHOOLS

WHEREAS, the Fauquier County Board of Supervisors is committed to the health of public employees; and

WHEREAS, the Fauquier County School Board has evidenced a similar commitment to employee health by establishing a wellness program; and

WHEREAS, the Board of Supervisors and the School Board seek to implement cooperative programs whenever it is demonstrably effective to do so; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of July 2000, That the Fauquier County Board of Supervisors authorizes the participation of the employees of all agencies under its control in the wellness program established by the Fauquier County School Board; and, be it

RESOLVED FURTHER, That the Board of Supervisors authorizes the expenditure of \$5,100.00 for this purpose; and, be it

RESOLVED FINALLY, That this resolution shall take effect upon adoption.

Authorization to Sign the Vint Hill Fire Station Lease Agreement Between the Vint Hill Economic Development Authority and the Office of Emergency Services

RESOLUTION

A RESOLUTION TO APPROVE THE LEASE
AGREEMENT FORTHE FORMER FIRE STATION AT VINT
HILL FARMS STATION ONBEHALF OF THE OFFICE OF EMERGENCY
SERVICES

WHEREAS, the Vint Hill Farms Fire Station, Building #271, was closed on October 24, 1999; and

WHEREAS, it has been determined the Fire Station will not be reopened, the Vint Hill Farms Economic Development Authority has agreed to lease the building to Fauquier County on behalf of the Office of Emergency Services; and

WHEREAS, the proposed lease will be on a yearly basis with no leasing fees; and

WHEREAS, the facility will be used to establish a central purchasing and inventory facility for Fire and Rescue equipment and supplies; maintenance and repair of firefighting breathing apparatus; and to facilitate Fire and Rescue training; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of July 2000, That the document entitled Vint Hill Building Lease be, and is hereby, approved; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to sign the lease agreement on behalf of the County to implement the use of the former Vint Hill Farms Fire Station.

A Resolution to Authorize Grant Acceptance and Appropriation for the Piedmont Dispute Resolution Center

RESOLUTION

A RESOLUTION TO AUTHORIZE GRANT ACCEPTANCE AND

APPROPRIATION FOR THE PIEDMONT DISPUTE RESOLUTION CENTER

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the operation of an annual budget for Fauquier County; and

WHEREAS, this annual budget is a plan of how funds received by the County will be

used to meet the needs of the citizens of the County; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing a department's total budget; and

WHEREAS, funds needed to increase a department's budget must come from internal adjustments or from an outside source such as State, Federal or other local sources such as the County's Reserve for Contingency; and

WHEREAS, Fauquier County has applied for and been awarded a Federal grant in the amount of \$45,545 to allow the Piedmont Dispute Resolution Center to conduct juvenile accountability conferencing for the Fauquier County court system; and

WHEREAS, the Piedmont Dispute Resolution Center has requested the appropriation of \$45,545 for this grant from Federal funding; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of July 1999, That the County Administrator be, and is hereby, authorized to accept this Federal grant in the amount of \$45,545 for the Piedmont Dispute Resolution Center; and, be it

RESOLVED FURTHER, That the sum of \$45,545 be appropriated as follows, effective upon adoption of this resolution:

FROM TO

Source Code Amount Department Code Amount

Federal funds 3-100-331000-0180 \$45,545 Piedmont Dispute 4-100-81600-5694 \$45,545

Resolution Center

TOTAL \$45,545 \$45,545

A Resolution to Authorize Execution of a Tower Licensing Agreement with Crown Atlantic Company, LLC

RESOLUTION

A RESOLUTION TO AUTHORIZE EXECUTION OF A TOWER

LICENSING AGREEMENT WITH CROWN ATLANTIC COMPANY, L.L.C.

WHEREAS, the Fauquier County Board of Supervisors desires to install certain improvements on a tower located in Sumerduck, Virginia owned by Crown Atlantic Company, L.L.C., (hereinafter Crown Atlantic) commonly referred to as the "Silver Hill" tower; and

WHEREAS, the conditions of Special Exception #SE99-L-01 approving a special exception for the tower require Crown Atlantic to provide, at no cost to the County, an acceptable site on the tower for public safety radio systems; and

WHEREAS, the license agreement permits the County to utilize the facility at no cost to the County; and

WHEREAS, minor modifications to the proposed agreement may be made following the approval of this agreement by the Fauquier County Board of Supervisors; and

WHEREAS, the County has requested a similar agreement from Crown Atlantic at its tower located in Marshall, Virginia; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of July 2000, That the County Administrator be, and is hereby, authorized to execute the license agreement and an agreement substantially similar to the Crown Atlantic Marshall tower agreement, subject to such modifications as are acceptable to the County Attorney and County Administrator.

A Resolution to Authorize the County Administrator to Schedule a Public Hearing on the Sale of 0.4993 Acres of Land Located on Virginia State Route 651 in Lee Magisterial District

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO SCHEDULE A PUBLIC HEARING ON THE PROPOSED SALE
OF 0.4993 ACRES OF LAND LOCATED ON VIRGINIA STATE
ROUTE 651 IN LEE MAGISTERIAL DISTRICT

WHEREAS, the Fauquier County School Board has, by previous resolution dated April 10, 2000, declared a 0.4993 acre parcel identified as PIN 7814-27-4121, located on Virginia State Route 651 in Lee Magisterial District as surplus property; and

WHEREAS, by Deed of Bargain and Sale dated April 10, 2000, the Fauquier County School Board did deed the aforesaid property to the Fauquier County Board of Supervisors; and

WHEREAS, the Fauquier County Board of Supervisors has received an offer to purchase the aforesaid property for the sum of \$2,000; and

WHEREAS, the Fauquier County Board of Supervisors, in accordance with the Virginia Code, seeks to receive citizen comment on the proposed sale of the aforesaid property; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of July 2000, That the County Administrator be, and is hereby, directed to schedule a public hearing on the proposed sale of 0.4993 acres identified as PIN 7814-27-4121, located on Virginia State Route 651 in Lee Magisterial District.

A Resolution Authorizing the County Administrator to Execute the Federal Aviation Administration's Master Agreement on Terms and Conditions of Accepting Airport Improvement Program Grants

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE

FEDERAL AVIATION ADMINISTRATION MASTER AGREEMENT ON TERMS AND

CONDITIONS OF ACCEPTING AIRPORT IMPROVEMENT PROGRAM GRANTS

WHEREAS, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century has been signed, thereby authorizing the Federal Aviation Administration to issue grants under the Airport Improvement Program (AIP) for airport planning and development; and

WHEREAS, as part of Federal Aviation Administration procedure, a Master Grant Agreement is established between each sponsor and the Federal Aviation Administration which contains grant assurances and terms and conditions of accepting Airport Improvement Program grants; and

WHEREAS, in order to participate in this grant program, Fauquier County is required to enter into a Master Grant Agreement, which said Master Agreement will be incorporated into every grant agreement by reference; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of July 2000, That the County Administrator be, and is hereby, authorized to execute the Master Agreement on Terms and Conditions of Accepting Airport Improvement Program Grants.

A Resolution to Authorize the Virginia Department of Transportation (VDOT) to Install a Traffic Calming Device on Highway 1003 (Frost Street) in the Vicinity of the Marshall Townhouse Complex in Marshall, Virginia

RESOLUTION

A RESOLUTION TO REQUEST THE VIRGINIA DEPARTMENT
OF TRANSPORTATION (VDOT) TO INITIATE TRAFFIC CALMING
MEASURES ON HIGHWAY 1003 (FROST STREET) IN THE VICINITY
OF THE MARSHALL TOWNHOUSE COMPLEX IN MARSHALL, VIRGINIA

WHEREAS, the Marshall Townhouse Homeowners Association (MTHA) has determined that a dangerous situation exists on Frost Street at the entrance to the townhouse complex where vehicles exceed the posted residential 25 mph speed limit by a average of 20+ miles per hour during periods when children are at play; and

WHEREAS, the President of the MTHA appeared before the County Transportation Committee at its regularly scheduled meeting on June 28, 2000 to advise the committee that efforts to reduce the speed limit from 25 to 15 miles per hour had been denied; and

WHEREAS, VDOT informed the MTHA that authorization to implement traffic calming measures must come from the Fauquier County Board of Supervisors, with an attached petition of signatures from 75 percent of the total occupied households within the petition area; and

WHEREAS, the Transportation Committee voted unanimously to recommend approval of this request to the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of July 2000, That a Traffic Calming Project for the Marshall Townhouse Complex is hereby approved; and, be it

RESOLVED FURTHER, That VDOT be, and is hereby, requested to implement traffic calming measures on Highway 1003 (Frost Street) in the vicinity of the Marshall Townhouse Complex.

A Resolution to Authorize the Chairman of the Fauquier County Board of Supervisors to Sign the Unified Services Agreement Between the Fauquier County School Board and the Board of Supervisors of Fauquier County Establishing the Use of Certain Departmental Services by the Fauquier County School Board

RESOLUTION

A RESOLUTION TO AUTHORIZE THE CHAIRMAN OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS TO SIGN THE UNIFIED SERVICES AGREEMENT BETWEEN THE FAUQUIER COUNTY SCHOOL BOARD AND THE BOARD OF SUPERVISORS OF

FAUQUIER COUNTY ESTABLISHING THE USE OF CERTAIN DEPARTMENTAL
SERVICES BY THE FAUQUIER COUNTY SCHOOL BOARD

WHEREAS, the Fauquier County Board of Supervisors uses and requires human resources , finance, budget, information resources and general services; and

WHEREAS, the Fauquier County School Board also uses and requires human resources, finance, budget, information resources and general services; and

WHEREAS, in order to achieve cost savings to the school system and to eliminate duplicative efforts County-wide, the County desires to provide, and the School Board desires to obtain human resources, finance, budget, information resources, and general services; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of July 2000, That the Chairman be, and is hereby, authorized to sign the Unified Services Agreement.

A Resolution to Authorize the Chairman of the Fauquier County Board of Supervisors to Execute a Lease Agreement Between the Fauquier County School Board and the County of Fauquier for Property Known as the School Bus Complex Located at 221 West Shirley Avenue in the Town of Warrenton

RESOLUTION

A RESOLUTION TO AUTHORIZE THE CHAIRMAN OF THE FAUQUIER
COUNTY BOARD OF SUPERVISORS TO EXECUTE A LEASE AGREEMENT BETWEEN
THE FAUQUIER COUNTY SCHOOL BOARD AND THE COUNTY
OF FAUQUIER FOR PROPERTY KNOWN AS THE SCHOOL BUS COMPLEX
LOCATED AT 221 WEST SHIRLEY AVENUE IN THE TOWN OF WARRENTON

WHEREAS, the Fauquier County School Board and County of Fauquier have entered into a Lease Agreement setting forth the terms and conditions of the lease of property by the County of Fauquier known as School Bus Complex, 221 West Shirley Avenue; and

WHEREAS, the Fauquier County School Board is willing to lease to the County of Fauquier certain real property described as the School Bus Complex located at 221 Shirley Avenue, in the Town of Warrenton, said property being more particularly described in the lease; and

WHEREAS, the County of Fauquier is willing to lease said property from the Fauquier County School Board; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of July 2000, That the Chairman be, and is hereby, authorized to sign the Lease Agreement to lease

from the Fauquier County School Board that real property known as the School Bus Complex, 221 West Shirley Avenue, Town of Warrenton.

Preliminary Subdivision Application – Piedmont Investment, LLC, Marshall District

No action was taken.

Preliminary Subdivision Application – Route 647, LLC, Marshall District

No action was taken.

Preliminary Subdivision Application – Bealeton Station Subdivision, Lee District

No action was taken.

Acceptance of Station Drive and Willow Drive South in Bealeton Station Commercial, Winston Place West in Bealeton Station, Section A and Winston Place East in Bealeton Station, Section B-1 Into the State Secondary Highway System, Lee District

RESOLUTION
FAUQUIER COUNTY BOARD OF SUPERVISORS
SUBDIVISION STREET ACCEPTANCE FOR
BEALETON STATION COMMERCIAL AND SECTIONS A AND B-1
LEE MAGISTERIAL DISTRICT

WHEREAS, certain streets titled "Bealeton Station Commercial and Sections A and B-1, Lee Magisterial District, Fauquier County" dated June 30, 2000, and described on the Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerks Office of the Circuit Court of Fauquier County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the *Subdivision Street Requirements* of the Virginia Department of Transportation; and

WHEREAS, the above streets serve a genuine public need; and

WHEREAS, Fauquier County and the Virginia Department of Transportation have entered into an agreement on February 7, 1995, for comprehensive stormwater detention, which applies to this request for addition; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of July 2000, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above described streets in the State Highway Secondary System for maintenance, as provided in Sec. 33.1-229, Code of Virginia, and the Virginia Department of Transportation's *Subdivision Street Requirements*; and, be it

RESOLVED FURTHER, That this Board does guarantee the Commonwealth of Virginia a minimum unrestricted right-of-way of fifty feet in Bealeton Station Commercial and Sections A and B-1, with necessary easements for cuts, fills, and drainage; recorded in Deed Book 789, Page 1438, dated October 31, 1997, and in Deed Book 647, Page 833, dated December 7, 1990, and in Deed Book 716, Page 1401, dated March 22, 1994; and, be it,

RESOLVED FINALLY, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Acceptance of Sandstone Court and Greenview Lane in Snow Hill Subdivision, Phase I, and Rapidan Court and Woodberry Court in Snow Hill Subdivision, Phase II Into the State Secondary Highway System, Scott District

RESOLUTION
FAUQUIER COUNTY BOARD OF SUPERVISORS
SUBDIVISION STREET ACCEPTANCE FOR
SNOW HILL SUBDIVISION, PHASES I AND II
SCOTT MAGISTERIAL DISTRICT

WHEREAS, certain streets titled "Snow Hill Subdivision, Phases I and II, Scott Magisterial District, Fauquier County" dated June 30, 2000, and described on the Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerks Office of the Circuit Court of Fauquier County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the *Subdivision Street Requirements* of the Virginia Department of Transportation; and

WHEREAS, the above streets serve a genuine public need; and

WHEREAS, Fauquier County and the Virginia Department of Transportation have entered into an agreement on February 7, 1995, for comprehensive stormwater detention, which applies to this request for addition; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of July 2000, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above described streets in the State Highway Secondary System for maintenance, as provided in Sec. 33.1-229, Code of Virginia, and the Virginia Department of Transportation's *Subdivision Street Requirements*; and, be it

RESOLVED FURTHER, That this Board does guarantee the Commonwealth of Virginia a minimum unrestricted right-of-way of fifty feet in the Snow Hill Subdivision, with necessary easements for cuts, fills, and drainage; recorded in Deed Book 499, Page 213, dated August 20, 1985, and in Deed Book 595, Page 1241, dated April 18,

1988; and, be it

RESOLVED FINALLY, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

A Resolution to Authorize the County Administrator to Advertise a Public Hearing on an Ordinance Amendment to Section 12-13 of the Code of Fauquier County to Revise the Business, Professional and Occupation Licensing Tax Rates (tabled from May 15, 2000)

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING ON AN ORDINANCE AMENDMENT TO SECTION 12-13 OF THE CODE OF FAUQUIER COUNTY TO REVISE THE BUSINESS, PROFESSIONAL AND OCCUPATION LICENSE TAX RATES

WHEREAS, Virginia Code §58.1-3700 provides that a County may require that a business professional and occupation license may be required; and

WHEREAS, Section 12-13(b) of the Code of Fauquier County provides for the rate of tax on those businesses with annual gross receipts exceeding \$100,000; and

WHEREAS, the Town/County Liaison Committee conducted an analysis of the Business, Professional and Occupation License (BPOL) tax rates for the County and Town of Warrenton; and

WHEREAS, during the FY 2001 Budget Process the Board of Supervisors indicated its support of adjusting BPOL rate status; and

WHEREAS, when there are proposed changes to tax rates the Board of Supervisors holds a public hearing to solicit the views of County citizens on the issue; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of July 2000, That the County Administrator be, and is hereby, directed to schedule a public hearing on proposed changes to the BPOL Ordinance of Fauquier County Code to amended certain rates as follows:

Sec. 12-13. License Fees and Tax.

(a) For businesses whose gross receipts are less than one hundred thousand dollars (\$100,000.00) there shall be no license tax for the issuance of such license.

(b) Except as may be otherwise provided in section 58.1-3712, section 58.1-3713 and section 58.1-3715 of the Code of

Virginia, 1950, as amended, every such person or business with annual gross receipts of \$100,000 or more shall be assessed and required to pay annually a licenses tax on all the gross receipts of such person includable as provided in this article at a rate set forth below for the class of enterprise listed:

(1) Amusements: ten cents (\$0.10) per one hundred dollars (\$100.00) gross receipts annually.

(2) Bondsmen: one hundred fifty dollars (\$150.00) per license year.

(3) Builders and developers: eight and one half cents (\$0.085) per one hundred dollars (\$100.00) gross receipts annually.

(4) Carnivals and circuses: fifty dollars (\$50.00) for each performance held in the county.

(5) Coin-operated machines: three (3) to ten (10) machines, one hundred fifty dollars (\$150.00) per license year; ten (10) or more machines, two hundred dollars (\$200.00) per license year.

(6) Coins and precious metals: ten cents (\$0.10) per one hundred dollars (\$100.00) gross receipts annually.

(7) Consultant and specialized occupations: twenty-nine and three quarters cents (\$0.2975) per one hundred dollars (\$100.00) gross receipts annually.

(8) Contractors and persons constructing for their own account for sale: as defined in section 58.1-3715 of the Code of Virginia, 1950, as amended, with total gross receipts in excess of twenty-five thousand dollars, (\$25,000.00), eight and one half cents (\$0.085) per one hundred dollars (\$100.00) of gross receipts; annually.

(9) Financial, real estate and professional services: twenty-nine and three quarters cents (\$0.2975) per one hundred dollars (\$100.00) of gross receipts; annually.

(10) Fortunetellers, clairvoyants and practitioners of palmistry: five hundred dollars (\$500.00) per license year.

(11) Itinerant merchants or peddlers: five hundred dollars (\$500.00) per license year.

(12) Peddlers at wholesale: four and one quarter cents (\$0.0425) per one hundred dollars (\$100.00) on gross purchases; annually.

(13) Permanent coliseums, arenas or auditoriums having a maximum capacity in excess of ten thousand (10,000) persons, open to the public: one thousand dollars (\$1,000.00) per license year; subject to limitations in Virginia Code section 58.1-3729.

(14) Photographers: thirty dollars (\$30.00) per license year, subject to limitations in Virginia Code section 58.1-3727.

(15) Public service corporations: one half of one (.005) percent of the gross receipts; except, however, in the case of the telephone companies, charges for long distance telephone calls shall not be included in gross receipts for the purpose of computation of such license tax. This license tax shall be in addition to any tax levied by the County under the authority of Chapter 26 of Title 58.1 (section 58.1-2600 et seq.) of the Code of Virginia, 1950, as amended.

(16) Repair, personal and business services and all other businesses and general occupations not specifically listed

or exempted in this article or otherwise by law: eighteen and seven tenths cents (\$0.1870) per one hundred dollars (\$100.00) of gross receipts; annually.

(17) Research and development business: as defined in section 12-2, three cents (\$0.03) per one hundred dollars (\$100.00); annually, of such research and development gross receipts. Every person engaged in the business of research and development other than those defined in section 12-2 ("Research and development business"), twenty-nine and three quarters cents (\$0.2975) per one hundred dollars (\$100.00); annually of such research and development gross receipts.

(18) Retailers: ten cents (\$0.10) per one hundred dollars (\$100.00); annually.

(19) Savings institutions and credit unions: fifty dollars (\$50.00) per license year; and industrial loan associations or any agricultural association, five hundred dollars (\$500.00) per license year.

(20) Wholesalers: four and one quarter cents (\$0.0425) per one hundred dollars (\$100.00) of purchases annually.

A Resolution to Authorize the County Administrator to Execute, on Behalf of the County of Fauquier, a Cooperative Parking Agreement with the Town of Warrenton (tabled from June 19, 2000)

RESOLUTION
A RESOLUTION TO AUTHORIZE THE COUNTY
ADMINISTRATOR
TO EXECUTE ON BEHALF OF THE COUNTY OF
FAUQUIER
A COOPERATIVE PARKING AGREEMENT WITH THE
TOWN OF WARRENTON

WHEREAS, the Town of Warrenton wishes to expand public parking opportunities within the Town limits;

and

WHEREAS, the County of Fauquier owns real property located at 72A Lee Street, Warrenton, Virginia; said property commonly being known as the Carriage House Cleaners Property, and having a Tax Map 6984-33-1366; and

WHEREAS, the County of Fauquier is willing to make a portion of the Carriage House Cleaners Property available for use as a parking lot, (said property being hereby designated as the "Property"); now, therefore, be it

RESOLVED by the Board of Supervisors of Fauquier County this 17th day of July 2000, That the County Administrator be, and is hereby, authorized to execute, on behalf of the County of Fauquier, a Cooperative Parking Agreement with the Town of Warrenton.

A Resolution Requesting the Virginia Department of Transportation Include Certain Road Projects in the "Pave in Place" Program

RESOLUTION
A RESOLUTION REGARDING THE VIRGINIA
DEPARTMENT
OF TRANSPORTATION "PAVE IN PLACE" PROGRAM
WHEREAS,
Section 33.1-70.1 of the Code of Virginia allows
non-hardsurface roads be paved within existing right-
of-way; and

WHEREAS, Fauquier County's approved Secondary Six Year Plan includes a number of "pave in place" projects; and

WHEREAS, at its meeting on June 28, 2000, the Fauquier County Transportation Committee unanimously approved a motion recommending that the Fauquier County Board of Supervisors approve a resolution asking VDOT to place three (3) road projects in the "Pave in Place" Program; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of July 2000, That the Board requests the Virginia Department of Transportation include the following three (3) road projects in the "Pave in Place" Program:

Route 740 – Mt. Nebo Church Road. Plan Item #23

Route 755 – Grassdale Road between Route 651 and dead-end. Plan Item #22

Route 654 – Strodes Mill Road between Route 651 and dead-end. Plan Item #28

A Resolution Authorizing the Settlement of that Certain Litigation Styled Casner v. Fauquier County Board of Supervisors

RESOLUTION
A RESOLUTION AUTHORIZING THE SETTLEMENT
OF THAT
CERTAIN LITIGATION STYLED CASNER V.
FAUQUIER COUNTY BOARD OF SUPERVISORS

WHEREAS, Bruce W. Casner has filed suit against the County of Fauquier, Virginia alleging damage to real property owned by him, said litigation being more particularly identified as Bruce W. Casner v. County of Fauquier, Virginia, CL98-179 (Circuit Court of Fauquier County); and

WHEREAS, the Board of Supervisors deems it to be in the best interest of the County to resolve the above referenced litigation by acquiring the real property owned by Bruce W. Casner; now, therefore, be it

RESOLVED by the Board of Supervisors of Fauquier County this 17th day of July 2000, That the County Administrator, County Attorney and Jack Gould, Esquire, be, and are hereby, authorized to take all necessary actions and execute all documents and orders necessary to settle any and all claims Bruce W. Casner may have now or in the future against the County, its Boards, Commissions and Employees arising out of or in connection with the facts and

circumstances of the issues raised in the litigation styled Bruce W. Casner v. County of Fauquier, Virginia CL98-179 (Circuit Court of Fauquier County) and the claims presented by Bruce W. Casner to the Board of Supervisors on October 7, 1997 and on January 18, 2000 upon the following terms and conditions:

1. Transfer by general warranty deed free and clear of any liens or encumbrances with marketable and insurable title acceptable to the County Attorney the real property with improvements thereon, owned by Bruce W. Casner which is located at 8788 Green Road, Warrenton, VA 20187, PIN 6992-08-2141, in consideration of \$137,000.00;
2. Dismissal with prejudice of the lawsuit styled Bruce W. Casner v. County of Fauquier, Virginia CL98-179 (Circuit Court of Fauquier County);
3. Execution of a General Release by Bruce W. Casner on behalf of himself, his heirs, successors and assigns of any and all claims, causes of actions, demands or liability of whatever nature or kind, whether known or unknown, including actual consequential and punitive damages, on account of, relating to or arising from or which might or could arise from either directly or indirectly, from any matter set forth in the litigation styled Bruce W. Casner v. County of Fauquier, Virginia CL98-179 (Circuit Court of Fauquier County), the claims presented by Bruce W. Casner to the Board of Supervisors on October 7, 1997 and on January 18, 2000, or the County's ownership and operation of the past and present landfills;
4. Any other term or condition acceptable to, or deemed necessary by, the County Administrator, County Attorney or Jack Gould, Esquire

APPOINTMENTS

By unanimous consent, the following appointments were approved:

- William Brewster was appointed to the Board of

Assessors (Lee District).

- George Slater was appointed to the Board of Assessors (Marshall District).
- Nancy Reeve was appointed to the District Home Board (At-Large appointment).
- Holder Trumbo was appointed to the Economic Development Advisory Council representing the Retail/Service Industry to fill an unexpired term to December 31, 2003.
- Debbie Reedy was reappointed to the Parks and Recreation Board for a two-year term to September 14, 2002 (Scott District).
- Sharon McCamy was appointed to the Small Business Development Center representing the Economic Development Advisory Council.
- Julian Scheer was appointed to the Small Business Development Center.

SUPERVISORS TIME

- Mr. Graham commended David Botts for donating property to the Catlett-Calverton Ruritan Club in memory of his wife, Willie.
- Mr. Winkelmann informed Board members that he had talked to Kate Hanley, Chairman of Planning District 8, regarding Fauquier County membership. He said that he would continue discussions regarding this matter.
- Ms. McCamy highlighted the findings of the Economic Development Advisory Council regarding the Business, Professional and Occupation License taxes.
- Ms. McCamy pointed out that the Virginia Department of Transportation would have public hearings regarding transportation issues if citizens wanted to speak.
- Mr. Atherton informed Board members that a gentleman from Lynchburg had attended the Transportation Committee meeting requesting support in designating Route 29 as an interstate highway.
- Mr. Lee announced that the Board of Supervisors would meet on July 24, 2000 at 7:00 p.m. at H.M. Pearson Elementary School for its quarterly public information forum.
- Mr. Lee announced that the Board of

Supervisors would be attending the Local Government Officials Conference in Charlottesville in August.

- Mr. Lee announced that Mr. Graham would be representing the County at the next High Growth Coalition meeting.

**FAUQUIER COUNTY CODE AMENDMENT –
SECTIONS 13-36, 13-40(b), 13-41(b), 13-42 AND
13-43(b)**

A public hearing was held to consider amending Sections 13-36, 13-40(b), 13-41(b), 13-42, and 13-43(b) of the Fauquier County Code relating to parking spaces reserved for persons with disabilities to conform the Code to enable legislation contained within the Code of Virginia and to set forth fines for violations of Section 13-36. No one spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following ordinance. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

ORDINANCE

**AN ORDINANCE AMENDING FAUQUIER COUNTY
CODE**

**§§ 13-36, 13-40(b), 13-41(b), 13-42 and 13-43(b)
RELATING TO**

**PARKING IN SPACES RESERVED FOR PERSONS
WITH**

DISABILITIES TO CONFORM THE CODE TO ENABLE

LEGISLATION CONTAINED WITHIN THE CODE OF
VIRGINIA

AND TO SET FORTH FINES FOR VIOLATION OF
§ 13-36

WHEREAS, Section 13-36 of the Code of Fauquier County provides for the regulation of parking spaces reserved for persons with disabilities; and

WHEREAS, Virginia Code § 46.2-1242 authorizes local regulation of parking spaces reserved for persons with disabilities; and

WHEREAS, the Fauquier County Board of Supervisors wishes to conform the provisions of its ordinance to the State enabling legislation; and

WHEREAS, Section 13-40 of the Fauquier County Code sets minimum and maximum fines for violations of Section 13-36 relating to parking in spaces reserved for persons with disabilities; and

WHEREAS, the Board of Supervisors wishes to amend Section 13-40 of the Code of Fauquier County to set specific fines for violation of Section 13-36; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 17th day of July 2000, That Section 13-36 of the Code of Fauquier County be, and is hereby, amended as follows:

Section 13-36. Parking in Spaces
Reserved for Persons with Disabilities.

- a. It shall be unlawful for a vehicle not displaying disabled parking license plates, an original removable windshield placard, a permanent removable windshield placard or temporary windshield placard issued under Virginia Code § 46.2-1241, or DV disabled parking license plates issued under Subsection B of Virginia Code

- §46.2-739 to be parked in a parking space reserved for persons with disabilities that limit or impair their ability to walk or for a person who is not limited in his ability to walk to park a vehicle in a parking space so designated except when transporting a person with such a disability in the vehicle.
- b. A parking space reserved for persons with disabilities shall be marked by an erected, above grade sign indicating that the space is reserved for disabled persons. The installation of the sign shall in all respects conform to the requirements contained in §36-99.11 of the Code of Virginia, 1950, as amended. Signs erected on privately owned parking areas shall be erected at the expense of the owner or lessee of such areas.
 - c. In any prosecution charging a violation of this section, proof that the vehicle described in the complaint, summons, parking ticket, citation, or warrant was parked in violation of this section, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Chapter 6 of Title 46.2 of the Code of Virginia, shall constitute *prima facie* evidence that the registered owner of the vehicle was the person who committed the violation.
 - d. No violation of this section shall be dismissed for a property owner's failure to comply strictly with the requirements for disabled parking signs set forth in subsection (b) above, or Section 36-99.11 of the Code of Virginia, and this section, provided that the space is clearly distinguishable as a parking space reserved for persons with disabilities that limit or impair their ability to walk.

and, be it

ORDAINED FURTHER, That Section 13-40(b) of the Code of Fauquier County be, and is hereby, amended as follows:

Section 13-40 (b).

- ~~a. Any person convicted of parking a vehicle in a space reserved for parking for handicapped persons in violation of Section 13-36 of this article shall be subject to a fine of One Hundred Dollars (\$100.00) for the first offense, and Two Hundred Fifty Dollars (\$250.00) for the second offense and Five Hundred Dollars (\$500.00) for each and every subsequent offense.~~

and, be it

ORDAINED FURTHER, That Section 13-41(b) of the Code of Fauquier County be, and is hereby, amended as follows:

Section 13-41 (b).

- a. It shall be the duty of any law enforcement officer, or other uniformed personnel designated by the County, in the event that a vehicle is found parked in violation of the provisions of this article, to attach to the vehicle in question a citation to the owner or operator thereof that such vehicle has been parked in violation of a parking regulation, and instructing such owner or operator as follows:
 1. Uncontested payment of a parking violation may be made in person or by mail to the county treasurer in the amount provided by the applicable section of this article and indicated on the face of the citation. The payment shall be made within seventy-two (72) hours of the issuance of the citation.
 2. In the event that a person receiving a citation for parking a vehicle in violation of this article does not pay the fine due within seventy-two (72) hours and does not notify the sheriff of their intention to contest the citation within the same seventy-two (72) hours, both as required or permitted by this section, the sheriff shall notify the law enforcement officer, or other uniformed personnel designated by the County who issued the citation. Upon notification from the sheriff that the violator has failed to pay the fine or give the requisite notice that they will contest the violation, the law enforcement officer, or other uniformed personnel designated by the County, shall cause a summons to be issued after compliance with Section 13-43(a) against the person to whom the citation was issued. Such

summons shall be in a form, and shall be served, as provided by law.

and, be it

ORDAINED FURTHER, That Section 13-42 of the Code of Fauquier County be, and is hereby, amended as follows:

Section 13-42. Contest of parking citations.

If the defendant elects to contest a citation issued against them for parking a vehicle in violation of this section they shall, within seventy-two (72) hours of receipt thereof, notify the sheriff or his designated agent, in writing, of his intent to contest such citation; whereupon the sheriff or his designated agent shall certify, in writing, on an appropriate form to the clerk of the appropriate district court, the defendant's intention to contest such citation. The clerk shall proceed to docket the case as provided by law.

and, be it

ORDAINED FURTHER, That Section 13-43(b) of the Code of Fauquier County be, and is hereby, amended as follows:

Section 13-43(b).

- a. If a citation becomes delinquent in accordance with this section, the officer or other uniformed personnel issuing the citation shall promptly be so informed and shall cause a summons to be issued against the person to whom the citation was issued. In the event the officer or other uniformed personnel issuing the original citation does not or cannot cause a summons to be issued in accordance with this section, the sheriff or his designated agent may cause such summons to be issued. Such summons shall be in a form, and shall be served, as provided by law, and trial thereon shall be trial of the original parking citation.

With no further business, the meeting was adjourned to reconvene in an adjourned meeting on Monday, July 24, 2000 at 7:00 P.M. in Calverton, Virginia.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on July 17, 2000.

G. Robert Lee

Clerk

Updated 9/21/2000.